APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,471	11/20/2003	Rathinavclu Chcngalvarayan	9432-000249	1036

27572	7590	11/17/2006	

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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to communications filed on August 16, 2006, no new claims are

cancelled; claims 1-2, 16 and 20-21 have been amended, and new claim 23 has been

added. Therefore, claims 1-11 and 13-23 are presently pending in the application.

Claim Objections

2.   Claims 1-11 and 13-23 are objected to because of the following informalities:

Claim 1 recites the limitations "for defining at least one tag thereby" and "thereby

identifying", which defines the claim language as "intended use". Therefore, the claim

language suggests or makes optional but does not require steps to be performed, or by

claim language that does not limit a claim to a particular structure.

Claim 16 recites the limitation "thereby providing", which defines the claim

language as "intended use". Therefore, the claim language suggests or makes optional

but does not require steps to be performed, or by claim language that does not limit a

claim to a particular structure.   Appropriate correction is required.

Claims 2-11, 13-15 and 17-23 are objected to because they are dependent upon

objected independent claims 1 and 16.

Claim 20 recites the limitation "thereby differentiating", which defines the claim

language as "intended use". Therefore, the claim language suggests or makes optional

but does not require steps to be performed, or by claim language that does not limit a

claim to a particular structure. Appropriate correction is required.

Claims 21-23 recite the limitation "adapted to accomplish", which defines the

claim language as "intended use". Therefore, the claim language suggests or makes

optional but does not require steps to be performed, or by claim language that does not

limit a claim to a particular structure. Appropriate corrections are required.

Claim 23 reads "said speech inputs is located", which is improper grammar and

should read "said speech inputs **are** located". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 20 discloses "or combination thereof", which renders the claim vague and

indefinite, because it is unclear as to what "or combination thereof", signifies in the

claim.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture,
> or composition of matter, or any new and useful improvement thereof, may obtain a
> patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 and 13-23 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 1 and 16 are not statutory because they merely recite a number of

computing steps without producing any tangible result and/or being limited to a

computer medium (see MPEP 2106 IV.B.2.(b)). The claims language does not disclose

what or how the tagging system function (i.e. a computer program run on a computer?).

The claims should be amended so that some kind of hardware is required and a

tangible result is produced/displayed or viewed.

Claims 2-11, 13-15 and 17-23 are rejected under 35 U.S.C. 101 because they

are dependent upon objected independent claims 1 and 16.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-2, 6-8, 14, 16 and 20-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Spielberg (U.S. Patent Application Publication No. 20020129057), in

view of Caspi (U.S. Patent Application Publication No. 2004/0250201).

As to claim 1, <u>Spielberg</u> teaches a method and apparatus for annotating a document (See abstract), in which he teaches an indexing system for tagging a media stream (See abstract), comprising: a tagging system for assigning each the at least one tag to the media (See abstract; paragraph 0018).

a collaborative tag handling system for dispatching each the at least one tag to a plurality of individuals for review based on tag source (See abstract; paragraphs 0003-0005).

<u>Spielberg</u> does not teach at least two speech inputs, each of which provides information for defining at least one tag, thereby providing speech information from two different speakers and defining two different tags; wherein each the at least one tag includes a label identifying which of the speech inputs provided the tag, thereby identifying a source of the at least one tag   respective of another source providing another tag via another of the input.

<u>Caspi</u> teaches a system and method for indicating an annotation for a document (See abstract), in which he teaches at least two speech inputs, each of which provides information for defining at least one tag, thereby providing speech information from two different speakers and defining two different tags (See abstract; paragraphs 0005-0007); wherein each the at least one tag includes a label identifying which of the speech inputs provided the tag, thereby identifying a source of the at least one tag   respective of another source providing another tag via another of the input (See abstract; paragraphs 0005-0007).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Spielberg, to include at least two speech inputs, each of which provides information for defining at least one tag, thereby providing speech information from two different speakers and defining two different tags; wherein each the at least one tag includes a label identifying which of the speech inputs provided the tag, thereby identifying a source of the at least one tag   respective of another source providing another tag via another of the input.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Spielberg, by the teachings of Caspi because at least two speech inputs, each of which provides information for defining at least one tag, thereby providing speech information from two different speakers and defining two different tags; wherein each the at least one tag includes a label identifying which of the speech inputs provided the tag, thereby identifying a source of the at least one tag respective of another source providing another tag via another of the input would provide a system and method for allowing multiple annotations to co-exist while distinguishing between the annotations made by different participants (See Caspi, paragraph 0004).

As to claim 2, Spielberg as modified, teaches wherein the tagging system includes a speech recognition system (See Spielberg, paragraph 0047; paragraph 0066).

As to claim 6, <u>Spielberg</u> as modified, teaches wherein the at least one tag is comprised of a plurality of fields, each of the fields storing information from the at least one input (See <u>Spielberg,</u> abstract; paragraph 00018; paragraph 0021; paragraphs 0042-0043).

As to claim 7, <u>Spielberg</u> as modified, teaches wherein the at least one tag includes a pointer for associating the at least one tag to a timeline of the media (See <u>Spielberg,</u> paragraph 0047; paragraph 0071).

As to claim 8, <u>Spielberg</u> as modified, teaches further comprising a tag analysis system comparing the information from each of the at least one input to determine and correct inconsistencies therein (See <u>Spielberg,</u> abstract; paragraph 00018; paragraph 0021; paragraphs 0042-0043).

As to claim 14, <u>Spielberg</u> as modified, teaches wherein the at least one individual comprises an individual that provides the at least one input (See <u>Spielberg,</u> abstract; paragraph 0018; also see Caspi abstract; paragraph 005).

As to claim 16, <u>Spielberg</u> teaches an indexing system for tagging a media stream (See abstract), comprising:

a tag database for storing the at least one tag and the media (See abstract; paragraph 0018);

a tag analysis system comparing the information from each of the at least one

input to determine and correct inconsistencies therein (See abstract; paragraphs 0003-

0005; paragraph 00018; paragraph 0021; paragraphs 0042-0043); and

a retrieval system for searching the tag database by analyzing the tags and

returning results (See abstract; paragraphs 0003-0005).

Spielberg does not teach at least two speech inputs, each of which provide

information to define at least one tag, thereby providing speech speakers and defining

two different tags; wherein the tag analysis system is adapted to determine tag source

by labels of the tags that identify which of the inputs supplied the tags, and determine

and correct inconsistent tags assigned to a segment of media by comparing

inconsistent tags from different sources employing different ones of the inputs to supply

their respective tags.

Caspi teaches a system and method for indicating an annotation for a document

(See abstract), in which he teaches at least two speech inputs, each of which provide

information to define at least one tag, thereby providing speech speakers and defining

two different tags (See abstract; paragraphs 0005-0007); wherein the tag analysis

system is adapted to determine tag source by labels of the tags that identify which of

the inputs supplied the tags, and determine and correct inconsistent tags assigned to a

segment of media by comparing inconsistent tags from different sources employing

different ones of the inputs to supply their respective tags (See abstract; paragraphs

0005-0007).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Spielberg, to include at least two speech inputs, each of which provide information to define at least one tag, thereby providing speech speakers and defining two different tags; wherein the tag analysis system is adapted to determine tag source by labels of the tags that identify which of the inputs supplied the tags, and determine and correct inconsistent tags assigned to a segment of media by comparing inconsistent tags from different sources employing different ones of the inputs to supply their respective tags.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Spielberg, by the teachings of Caspi because at least two speech inputs, each of which provide information to define at least one tag, thereby providing speech speakers and defining two different tags; wherein the tag analysis system is adapted to determine tag source by labels of the tags that identify which of the inputs supplied the tags, and determine and correct inconsistent tags assigned to a segment of media by comparing inconsistent tags from different sources employing different ones of the inputs to supply their respective tags would provide a system and method for allowing multiple annotations to co-exist while distinguishing between the annotations made by different participants (See Caspi, paragraph 0004).

As to claim 20, Spielberg as modified, teaches wherein the collaborative tag handling system permits the individuals to at least one of selectively filter or screen tags by source, thereby differentiating between tags input by at least one of different

cameramen, different on-site GPS systems, different multimedia recording engineering

units, or combinations thereof (See Spielberg, abstract; paragraph 00018; paragraph

0021; paragraphs 0042-0043; paragraph 0051).

As to claims 21-23, Spielberg as modified, teaches wherein the tagging system

and is adapted to accomplish creation of tags during capture of the media (See

Spielberg, abstract; paragraph 00018; also see Caspi abstract; paragraphs 0005-0007);

wherein both of the speech inputs is located at a sight of creation of the media, and the

tagging system is adapted to accomplish labeling of tags during creation of the media

(See Spielberg, abstract; paragraph 00018; also see Caspi abstract; paragraphs 0005-

0007).

8.   Claims 3-5, 11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Spielberg (U.S. Patent Application Publication No. 20020129057), in

view of Caspi (U.S. Patent Application Publication No. 2004/0250201), in further view of

Bennett et al. (U.S. Patent No. 5,884,256).

As to claim 3, Spielberg as modified, still does not teach wherein the speech

recognition system includes a translation component that translates multiple languages

into a common language, and the common language is stored in the at least one tag.

Bennett et al. teaches networked stenographic system with real-time speech to

text conversion for down-line display and annotation (See abstract), in which he teaches

wherein the speech recognition system includes a translation component that translates multiple languages into a common language, and the common language is stored in the at least one tag (See Figure 5b; column 16, lines 46-67; column 17, lines 1-3).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Spielberg as modified, to include wherein the speech recognition system includes a translation component that translates multiple languages into a common language, and the common language is stored in the at least one tag.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Spielberg as modified, by the teachings of Bennett et al. because wherein the speech recognition system includes a translation component that translates multiple languages into a common language, and the common language is stored in the at least one tag would provide a system and method for allowing multiple annotations to co-exist while distinguishing between the annotations made by different participants (See Caspi, paragraph 0004).

As to claim 4, Spielberg as modified, teaches wherein the speech recognition system stores multiple languages within the at least one tag (See Bennett et al., Figure 5b; column 16, lines 46-67; column 17, lines 1-3).

As to claim 5, Spielberg as modified, teaches further comprising tag information feedback to a user for editing, deleting, and adding the information in the at least one

tag (See Spielberg, abstract; paragraph 0007; paragraph 0013; paragraph 0018;

paragraph 0021; paragraph 0055; also see Bennett et al., column 20, lines 6-13; column

23, lines 55-62; column 28, lines 45-55).

As to claim 11, Spielberg as modified, teaches wherein the at least one tag

includes a label identifying a language of the at least one tag (See Bennett et al., Figure

5b; column 16, lines 46-67; column 17, lines 1-3).

As to claim 15, Spielberg as modified, teaches wherein the tagging system

includes an encryption mechanism to encrypt the at least one tag (See Bennett et al.,

column 26, lines 39-45, lines 56-61).

As to claim 17, Spielberg as modified, teaches wherein the retrieval system uses

a Boolean retrieval model (See Bennett et al., column 19, lines 43-49).

9.   Claim 9, is rejected under 35 U.S.C. 103(a) as being unpatentable over Spielberg

(U.S. Patent Application Publication No. 20020129057), in view of Caspi (U.S. Patent

Application Publication No. 2004/0250201), in further view of Ebert (U.S. Patent

Application Publication No. 2003/0144985).

As to claim 9, Spielberg as modified, does not teach wherein the at least one

input includes at least one sensor for creating an attribute in the tag.

Ebert teaches bi-directional data flow in a real time tracking system (See

abstract), in which he teaches wherein the at least one input includes at least one

sensor for creating an attribute in the tag (See abstract; paragraph 008).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Spielberg as modified, to include

wherein the at least one input includes at least one sensor for creating an attribute in

the tag.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Spielberg as modified, by the teachings of

Ebert because wherein the at least one input includes at least one sensor for creating

an attribute in the tag would provide a system and method for allowing multiple

annotations to co-exist while distinguishing between the annotations made by different

participants (See Caspi, paragraph 0004).

10.   Claim 10, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Spielberg (U.S. Patent Application Publication No. 20020129057), in view of Caspi (U.S.

Patent Application Publication No. 2004/0250201), in further view of Jain et al. (U.S.

Patent No. 6,463,444).

As to claim 10, Spielberg as modified, does not teach wherein the at least one

tag includes a confidence value associated with the attribute.

Jain et al. teaches video cataloger system with extensibility (See abstract), in which he teaches wherein the at least one tag includes a confidence value associated with the attribute (See column 9, lines 18-22).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Spielberg as modified, to include wherein the at least one tag includes a confidence value associated with the attribute.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Spielberg as modified, by the teachings of Jain et al. because wherein the at least one tag includes a confidence value associated with the attribute would provide a system and method for allowing multiple annotations to co-exist while distinguishing between the annotations made by different participants (See Caspi, paragraph 0004).

11.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spielberg (U.S. Patent Application Publication No. 20020129057), in view of Caspi (U.S. Patent Application Publication No. 2004/0250201), in further view of Srivastava et al. (U.S. Patent No. 6,549,922).

As to claim 13, Spielberg as modified, does not teach wherein the at least one tag includes an attribute for assigning a copyright designation therein.

Srivastava et al. teaches a system for collecting, transforming and managing media metadata (See abstract), in which he teaches wherein the at least one tag

includes an attribute for assigning a copyright designation therein (See column 2, lines 28-40).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Spielberg as modified, to include wherein the at least one tag includes an attribute for assigning a copyright designation therein.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Spielberg as modified, by the teachings of Srivastava et al. because wherein the at least one tag includes an attribute for assigning a copyright designation therein would provide a system and method for allowing multiple annotations to co-exist while distinguishing between the annotations made by different participants (See Caspi, paragraph 0004).

12.   Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielberg (U.S. Patent Application Publication No. 20020129057), in view of Caspi (U.S. Patent Application Publication No. 2004/0250201), in further view of Lui et al. (U.S. Patent Application Publication No. 2003/0105589).

As to claim 18, Spielberg as modified, does not teach wherein the retrieval system uses a vector retrieval model.

Lui et al. teaches a system for collecting, transforming and managing media metadata (See abstract), in which he teaches wherein the retrieval system uses a vector retrieval model (See paragraph 0067).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Spielberg as modified, to include

wherein the retrieval system uses a vector retrieval model.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Spielberg as modified, by the teachings of Lui

et al. because wherein the retrieval system uses a vector retrieval model would provide

a system and method for allowing multiple annotations to co-exist while distinguishing

between the annotations made by different participants (See Caspi, paragraph 0004).

As to claim 18, Spielberg as modified wherein the retrieval system uses a

probabilistic retrieval model (See paragraphs 0056-0057).

Response to Arguments

13.   Applicant's arguments filed on August 16, 2006, with respect to the rejected

claims in view of the cited references have been considered but are moot in view of the

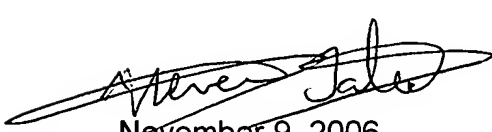new ground(s) of rejection.

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571)

272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nareen Abel-Jalil

November 9, 2006
Mmc